



## Media Regulatory Bodies in Ethiopia (1991-2020)

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### ABSTRACT

The study investigates media regulatory bodies in Ethiopia. The research implemented a qualitative approach, mainly document analysis and in-depth interviews, whereby a purposive sampling technique was used to generate relevant data. The research finds out that more than 60 regulatory bodies, directly and indirectly, control Ethiopian media activities. The Ethiopian government established these media regulatory bodies (1991–2021). As a result, the tight control system of the Ethiopian media stems from an excessive number of regulations and regulatory bodies that have the power to control, shape, and inspect all media activities. The regulatory function prescribes the conditions that must be complied with to avoid unfair media practices and protect the government, audiences, and the public against the dangers inherent in such bad practices. In contrast, Media organizations' significant loss of independence due to the restrictive rules and regulatory bodies and journalists' self-censorship has increased. In the light of these measures, the Ethiopian media cannot ensure journalists' independence through institutional and professional accountability. As a result, media provide single-source and government-dominated information. The main recommendation of the research is that the government should suspend and revise the regulations of several regulatory bodies that discourage journalists and media houses from accessing freedom of speech and information. Therefore the government should change an unfriendly regulatory environment and a media model shift parallel with the public interest than the political economy interest.

**Keywords:-** Broadcasting Corporation, Independent media, Regulatory bodies. Media Regulation

### INTRODUCTION

The media industry in Ethiopia faces a system of stringent laws and regulations from regulatory bodies. Louis (1969) states that a regulatory body is an institutional arrangement for facilitating the accomplishment of some agreed purpose by allocating some functions and responsibilities. In this view, regulatory agency is a public authority or government agency responsible to exercise an autonomous authority over some area of human activity in a regulatory or supervisory capacity (Paul, 2014).

Similarly, regulatory agencies deal with the areas of law, restrictive law, secondary legislation, and rulemaking (Bianculi, 2018). Regulatory agencies could be a section of the chief branch of the government with statutory authority.

Lisa (2009) stated that the act of regulating or of being regulated describes a principle, rule, directive, or law designed to control or govern conduct. Bianculi (2018) adds that a rule or order issued by an associate government authority or social unit of a government has the force of law. The regulation implies a prescription by the authority to regulate a company or system (Paul, 2014).

Garner and Black (2004) note that regulation consists rules of action or conduct. An authority issues these rules. In addition, rules have a binding force and are obeyed by citizens. The regulation describes or explains the political, institutional, or human conduct it is made to control. Regulation creates norms by allowing, ordering, or prohibiting social, institutional, and personal behavior. It shows the normative feature of media law. Based on this feature, regulation theory

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can be illustrated as analyzing permission, directive, sanction, and prohibition.

Free and independent media emerge from the free regulation and regulatory bodies. Regulation theory applied in the relationship between law and state shows that the state is superior and creates law; law precedes the state and binds it when it comes into existence; law and the state are the same things looked at from different points of view (Rozell & Mayer, 2008). While it is true that law can exist within a legal order, the order may take forms other than that of the state. It may be argued that the law is a tool of the state created and established along with the administration environment. The political system of law has been with the media and regulatory bodies, defining either directly (i.e., through enactments) or indirectly (through recognition), its legitimacy and guaranteeing its power through regulation and regulatory bodies. That is why the law is generally defined as a set of lifelines of media statements aimed at regulating choices in possible political behavior that is defined or recognized, published and sanctioned, and awarded by the state.

Media confronts with challenges affecting its operation and growth. Hence, the media industry cannot flourish in Ethiopia, resulting in the media environment being subjected to the political economy, tight regulation, and regulatory bodies (Shimelis, 2000; Birhanu, 2006; Skjerdal, 2012; EBA, 2017). One of the critical areas of concern for political economy analysis is the media analysis of regulation and the regulatory bodies (UNESCO, 2008). In general, the regulation theory framework depicts the political economy of the state. In brief, 'political economy refers to the power relations inscribed in media systems that have causal consequences for multiple areas of regulatory bodies' experience. Law is a body of principles or rules that form the basis of an organization's operation.

In this research context, a 'regulatory agency' or the media organization is a public authority or administrative unit answerable for exerting autonomous power over some space of action (Melody, 1994). Regulatory agencies deal with rulemaking, censoring, and monitoring activities (Jordana et al., 2018). More likely, regulatory agency units are sometimes a section of the chief branch of the government since they need statutory authority. Therefore, regulatory authorities' area of responsibility is, unremarkably, to enforce standards and safety of the political system.

Media regulatory bodies emerge from the law of the country and bodies of the government to control mass-media texts. They have rules that protect the public interest and what specific audiences can and cannot view or hear. They are needed because the media impact the lives of their audiences. After all, what they consume is determined by the media. Media regulation is targeted mainly at the press, television, and radio.

The present research aims to understand regulatory bodies' purposes, types, and roles and apply this knowledge in media and communication. Thus, the following research questions are addressed:

1. What are the central regulatory bodies in the Ethiopian media?
2. What are the powers, functions, and roles of the regulatory bodies in the Ethiopian media?
3. What are the impacts or influences of media regulatory bodies in the EBC on the emergence of independent media?

## LITERATURE AND THEORETICAL REFLECTION

This research adopted the code of Garner and Black's (2004) media regulation framework and regulatory agencies index measurement, which captures the extent to which the Ethiopian media environment (in the case of the Ethiopian Broadcasting Corporation-EBC) faces intrusion from political power. Thus, it provides accurate tools for investigating the main research questions and framework of the analysis proffered in this research.

Theories of the press also suggest that the regulatory context within which interpretations of the role of the media have been shaped is an essential source of normative obligation (Baran & Davis 1990). This is the case in most democracies, where there is a discernibly close link between democratic political institutions and the role of the media as a shaper of public opinion (McQuail 2005).

On this basis, Siebert, Peterson, and Schramm (1956) argue that there is a direct relationship between press freedom, the role of the media, and the nature of the government in power. Siebert et al.'s analysis approximate or agrees with a basic assumption of the six theories of the press, which links political systems or structures to media structures (Siebert et al. 1956, 1). Given Africa's example, they observe that political controls and the state and party ownership of various communication channels have greatly hampered and generally tended to reduce the roles of the media (as the fourth estate) acting on behalf of

society. This understanding is an essential step in rethinking the media in Ethiopia, as urged by this study.

The regulation theory contains vital points in gauging media industry development and understanding how emerging media independence leads to self-censorship. It is suggested that these handicaps be addressed by utilizing appropriate technology and capacity building of leaders and practitioners in the political economy arena as a framework for this research.

Research approaches to the media have raised questions: What is the role of political economy in shaping its media? What is the relationship between the media in a given political economy and its social structure? How does the mass media develop and operate in the country?, How do we define *media* and *profession*?, What is the role of political-economic power in controlling the media? Why is the politics of the nation the primary source of news? What interests are being served by the media? Is it in the interest of the owners?

According to Oyakhilomen (2009), regulation controls, regulates, enforces, and punishes in a given establishment system. Oyakhilomen claims that the laws governing, regulating, implementing, and disciplining mass media are laws. Hence, the government established these laws from the political economy, policy, and strategy orientation. Accordingly, the composition of law and the political economy builds the institutional arrangements of the regulatory bodies. Above all, these key elements are the basis of this dissertation.

### Methodology

A qualitative method was employed to analyze the constructed research questions. Document analysis and in-depth interview data collection tools were used. Mixed data collection and analysis methods enhanced the study's trustworthiness (Babbie & Mouton, 2001). As a descriptive method, a qualitative approach was the most suitable approach as qualitative research deals with exploring and understanding meanings given to certain phenomena (Wimmer & Dominick, 2000). Qualitative research focuses on how data sources give meaning to events around them. A qualitative approach facilitates an understanding of reality from the perspective of the meanings. This study employed the qualitative method of study and analysis to enhance the study's trustworthiness (Babbie and Mouton, 2001). Thus, the research was conducted using document analysis and in-depth interviews. A multistage non-probability

sampling technique was used to select appropriate samples. Purposive sampling was implemented for document analysis. The researcher used policy, government reports, speeches, and secondary sources type of materials for the research. Following, convenience sampling was used to contact informants for the in-depth interview. Higher officials, journalists, and policymakers were interviewed.

## RESULTS AND DISCUSSION

### Media Related Policies Environment in Ethiopia

The standpoint of the Ethiopian government, as stated in a document translated as 'The Democratic Developmental Media Philosophical Foundations and Missions' (FDRE, 2008, pp. 32–47) prepared by the government to train entrant journalists to the 'public' media, is that the best media philosophy that could effectively strengthen and support the current democratic developmental state of Ethiopia is called *developmental state journalism* or *revolutionary journalism*. Among the primary goals of developmental journalism, the manual lists strengthening democracy and fast and sustainable development by telling success stories. While simultaneously exposing development failures through investigation, indicating solutions to the problems, and creating national consensus on fundamental issues.

In an Ethiopian People's Revolutionary Democratic Front (EPRDF) ideology book, the ruling party mentions principles that underpin media goals, roles, and functions (FDRE, 2007). These are: creating public attitudes; creating democratic public dialogue; fighting extremism and terrorism; fostering good Governance; promoting the Ethiopian renaissance; building the image of the country; fighting anti-democratic forces; standing with the ideology of the national party consensus; motivating the public for development; and providing current information (Ministry of Information, 2002). All state-owned public media serve as indispensable vehicles to help achieve these aims.

However, these guidelines fail to account for transparency and accountability in government officials and guarantee access to information by journalists. Freedom of the press should not be viewed solely as the freedom journalists have to report. It also includes the public's right to access information, vital for any democracy to function optimally.

The need for developmental and democratic media is integral to the EPRDF media laws and strategies. It

calls for journalism for development, development for communication, revolutionary journalism (not journalism for revolution), and political, economic, and social changes in the quest for progress. The media's power lies in its ability to serve as a watchdog to monitor, investigate and criticize the government's actions.

Ethiopian government policies cite poverty eradication as the number one priority on its agenda. Therefore, it is committed to sustaining an inclusive and pro-poor development strategy over the coming years to concurrently address poverty reduction and employment generation challenges (Growth & Transformation Plan II, 2017). The media are among the critical requisites for accomplishing the government or ruling party's goal. Media roles and the government's primary agenda are inextricably linked. The EPRDF policy and strategies also recognize the media's role in the country's development agenda. As the current Prime Minister Abiy Ahmed's Press Secretary put it: 'The press is a tool of development . . . and at the core of democracy' (Personal interview, 2019). In this regard, a former Information Minister declared:

The Ethiopian state-owned media model has continued to report ways to generate employment, improve income and reduce poverty. Despite the progress made in employment creation and poverty reduction, much more needs to be done. Hence, poverty eradication through expanding employment generation has remained our number one development agenda. (Personal interview, 2020)

Ethiopia's democratic system-building policy recognizes the media as vital in developing a common belief and viewpoint essential to developing a democratic system. The media provide a free flow of ideas and timely and accurate information; a forum for discussion and debate. The media provide current information on activities in the country, analyze the sources of success, provide cover without failures and errors, and explain why mistakes are made and their options to remedy them (EPRDF, 2002).

The information that must be provided to the public is primarily concerned with the activities of development and democracy that determine the nation's fate. Foreign information that affects the lives of the people must also be provided. One of the basic requirements for the media is to play a

constructive role in a democratic system to keep common national goals on track. This is one of the main reasons this issue is not being addressed in Ethiopia and the weakening of the private media (EPRDF, 2002). In this regard, an Opposition political leader said that

the government's democratic development state concept of development journalism applies to not only those who serve as the tongues of state-owned media but also to private media outlets. They cannot be a forum for mature political economy, direction, and debate. Instead of providing timely and accurate information about the political struggles, the development and democratization process has focused on misinterpreting the existing forms and content. (Personal interview three, 2020)

The government's policies labeled the private media damaging high journalistic ethics and causing professional problems. The private media have taken on the task of undermining the ruling party's media ideology, the goal of building a democratic system, and the mission of thwarting the development plan.

Following the overthrow of the Derg regime in Ethiopia, the EPRDF ratified the Transitional Charter in July 1991, including the 1948 Universal Declaration of Human Rights (UDHR), and deregulated the media in the country. This is the foundation for several media proliferation and mass production. Shimelis (2002, p.184, citing EHRCO 1995), this was considered a 'demonstration of the people's long-standing dissatisfaction with the government-controlled media and their hunger for an alternative source of information.'

The Government of the FDRE is a signatory to several international and regional legal instruments that guarantee the freedom of expression. Article 29 of the 1995 Constitution of the Federal Democratic Republic of Ethiopia also states that[e]veryone has the right to freedom of expression without any interference.'

Despite these explicit constitutional provisions, several articles in existing subsidiary media-related laws have been interpreted as limiting journalists' and the media's right to expression. Despite Articles of improvement, the mass media laws, regulations, directives, and ideologies contain a range of restrictive paragraphs.

The transition government facilitated situations in which people could elect their representatives in government. The House of the Council of Parliamentary Representatives passed the Constitution in 1995, which is the superior force and source of all law. Article 29, one of the democratic rights, provides Ethiopians with the right to hold opinions, thoughts, and free expressions and protects 'freedom of expression without interference, including seeking, receiving, and imparting information (EPRDF 1995a).

Drawing on the experience gained from the practice of the media, the incumbent government ratified the Proclamation to Provide for Freedom of the Mass Media and Access to Information No. 590/2008 (Ross, 2010). This law restricts the media in ways that the prior press law did not. Its provisions relate to defamation. The registration system and excessive fines were also criticized. About defamation, the essence of Article 43(7) inhibits journalists from playing their role: it 'provides that defamation and false accusation against constitutionally mandated legislators, executives and judiciaries' will be prosecutable (Ross, 2010).

Undoubtedly, this leaves journalists in a distressing situation. They cannot critically investigate the implementation of government organizations and their officials and bring their findings to the people to enable them to make informed decisions. Generally, the provision seems to disempower and disengage journalists from their regular duties. As a result, they either sacrifice their profession or work under the provision to make a living.

In principle, the legal environment provided a viable basis for media activities. However, judicial practice, implementation, and neglect often impede the realization of the potential provided by the legal corpus. Ambiguous formulations, their politically driven interpretation, and severe punishments hinder the free development of the media in this regard.

The other much-criticized provisions are the redefined powers of the former Ministry of Information, which was later renamed the *Government Communication Office*; changes in the press secretaries of the prime minister. Moreover, the 2007 Broadcast Proclamation for the EBC includes 'oversight of licensing and registration of media sources' (Ross 2010). Consequently, the press needs the government's blessing for a license. It is thus incapable of 'play[ing] the watchdog role that it was envisioned to fulfill. Ethiopia needs an independent

press council to self-govern and encourage public confidence in the Media and the government' (1062).

Excessive fines on journalists stifle the media in developing nations (Ross 2010). Under the 2008 press law, 'the fine for a defamation conviction can reach 100,000 Ethiopian birrs' (1063). This amount is incomparable to that imposed for other criminal violations such as rape and child labor abuse in Ethiopia. Other deterrent provisions such as the anti-terrorism law of 2009, state emergency of 2016, and computer crime laws have eroded the media's confidence and made it difficult for them to play a role in socio-economic and political development.

Ethiopian journalism and media associations' engagement with journalists' rights is shackled by the Charities and Societies Proclamation No. 621/2009, which violates Ethiopia's Constitution, and the country's international human rights obligations and commitments. The law places funding, and other restrictions on civil societies, and violations constitute a criminal offense. Since 2011, the law has been used to freeze the motivation of journalist associations and caused many journalists to go into exile (Freedom House, 2017).

### Media Regulatory Bodies in Ethiopia

An Ethiopian Broadcasting Corporation (EBC) staff member (Personal interview Informant Two, 2019) used the metaphor 'the media cannot breathe fresh air; all information is polluted' to describe the regulatory bodies' choking influence on media independence. In the last three decades, the EBC was forced into silence due to negligence in its operations. In-depth Interview Informant One (2019) informed management that the regulatory bodies used his name to produce the news to support the ruling propaganda without consent and censored an entertainment program. The journalist left a few days later. Others expressed concern that they may face similar threats in the future. These examples show how the regulatory bodies affect the Ethiopian media.

Free media is one of the essential prerequisites for functional democratic Governance where an informed public holds its leaders to the highest standards of transparency and accountability. Fulfilling this unique role requires recruiting and retaining a trained workforce—the regulators' power of control in a political economy orientation resulting from the emergence of dependent media.

According to data obtained from the Ethiopia Media Authority (EMA) and compiled by the researcher

from in-depth interviews with regulatory bodies, the media are a subset of the government. The public media, constituting all the mass media agencies in all nine regions and the two city councils, and the EBC, are included in this subset. These media houses are established by law to serve the government. The EBC alone supports the federal system far more than other regional media of the full service.

Statutory bodies are set up to regulate the Ethiopian media, whether by the media themselves or independent bodies, which is the ideal, or sometimes by the government. Media lords are the executive bodies of the media system. In Ethiopia, media regulators are run entirely by the government, which has set up more than 60 regulatory bodies (see Appendixes).

These regulators have the power to control, shape, and inspect all media activities. The regulatory function prescribes the conditions to be complied with to obtain fair media practice after that has to be observed to protect the government, audiences, and the public against the dangers inherent in such lousy practice.

### **Effects of Regulators**

Regulatory institutions mainly regulate competition, ensuring that the media comprises multiple suppliers and that monopolistic practices are open to regulatory intervention. They are part of the overall attempt to structure and steer the media to realize specific state goals and activities. However, their intervention tends to be primarily negative. Their expertise in media-making activities does not equip them to deal with public enterprise or normative policy goals. They lack the institutional or symbolic capacity to engage the citizenry in governance processes. They could also be said to institute a normative recourse to political solutions when they are not appropriate. That is, the answer to media failure is always more political. Media regulatory bodies affect the Ethiopian broadcast media's editorial independence, access to information, media freedom, professional qualities, and public interest in the area of the Ethiopian media in general and the EBC in particular.

Some of the significant regulatory effects are that they have a negative influence on the public interest, lose professional standards, increase self-censorship, become embroiled in institutional orientation versus political orientation; fear reporting on specific issues and interference from the regulatory bodies; increase their dependency on regulatory news agendas; increase one-sided reporting/one source dominance;

increase agenda redundancy (advocacy versus reporting), and they lose institutional trust.

The massive role of regulators in the media landscape has eroded the media editorial independence, institutional and professional landscape. Editorial independence is the identity of the media. If the media lose their identity, they will not work appropriately regarding their job duties. Up to the present, the EBC has not yet been transformed from a state into a public broadcaster. It lacks editorial independence because of the power of the regulatory bodies. It is tied to a system of finance and administration. Because of this, journalists would usually abstain from touching on politically sensitive issues that would bring them into conflict with state authorities.

The media's regulatory role is to manage Ethiopians' need for information and education and provide a political economy platform where their concerns are the people and the state. Media is a stated good that holds political and economic decision-makers to account. Their work benefits the political party and the country as a whole.

The media's regulatory bodies governing content were found in the present research to mainly reflect the government's viewpoints and opinions – especially the public media. However, most private media outlets that launched their service in 2016 remain largely apolitical. It is likely to change with the advent of domestic news media outlets in the reform of Ethiopia.

Regarding the perception of Ethiopian journalists' professional role and orientation, private journalists prefer to give more importance to the adversarial role than journalists employed in government media. Journalists in the government-owned media give more importance than private media journalists to the developmental role of journalism (Birhanu, 2006). Journalists in the private media are critical of the government to play the watchdog role. However, most of them are not independent or do not exhibit objective news reporting due to their political orientation (Shimelis, 2000; Wondwosen, 2009).

Regulation and political economy interdependently define the media strategy, operation system, format, angle of reporting, frame, focus, schedule, and plan among regulatory bodies. Similarly, they evaluate the media performance and monitor the tracks of the media, as in the case of the EBC. Media managers and journalist associations have been selected. They may also become party members, loyal to the



political system, and efficient in executing media regulations and standards. Furthermore, members close to the government have infiltrated the affiliation. Henok (2018) describe media associations are afraid to advocate professional journalism. As a result, the journalistic and media practice in the EBC has highly homogeneous ethical and professional standards and is characterized by considerable self-censorship. For this reason, professional capacity and ethical standards are fragile due to the influence of the political economy, regulation, and regulatory bodies.

## CONCLUSION AND RECOMMENDATIONS

Regulatory bodies and Ethiopian public media independence regulation require cross-sectoral cooperation, quick action, and rapid capacity building of journalists and media organizations. Regulatory bodies have presented yet another challenge to the independent media and public interest journalism. Journalists' safety remains a primary concern for media sector actors as increasing government control presents unprecedented challenges to their existence.

Additionally, the broadcast media sectors have labored under 'legitimate constant pressure' regulatory bodies. These bodies are the formal organizations designated by statute. They are a form of an authorized government agency to implement the regulatory form and process whereby order, uniformity, and control are brought to the profession and its practice. The primary role of these regulatory bodies is to control, support, and assist media organizations. The regulators set and enforce standards of media practice and monitor and enforce standards. They ensure the public's right to quality journalism service, monitor and enforce standards for media education, and set the requirement for the registration of media organizations and professionals.

Appendix: Ethiopian Media Regulatory Bodies have the power to control the media directly and indirectly.

1. Access to Information Law Implementation Directorate
2. Auditor General
3. Berhane ena Selame Printing Press
4. Boards of media institutions and Authority
5. Chamber of Commerce
6. Command post of a State of Emergency
7. Communication Affairs Bureau?
8. Courts and prosecutors

The orientation of the regulation and regulatory bodies of the government is a method of controlling media pluralism, ownership and broadcasters' freedom, and promoting the government-sponsored agenda in the media. Today, the largest by far – the government and state institutions – allocate the vast majority of their finance or advertising influence to the country's media system. The media system or organization is one of Ethiopia's most heavily regulated industries in the three integrated forces: political system, regulation, and regulatory bodies.

There are several challenges in the Ethiopian media. These are party affiliation, marginalization of the private media, restrictive laws, denial of support for the profession, wrong portrayal of these private institutions, lack of clear policy, lack of justice, and severe punishment for violations. Furthermore, private radio stations, labeled as affiliated with the incumbent party, provided airtime to other political parties for similar purposes.

The main recommendations of the research are that the development of solid national media associations promoted to assist them in self-regulating the standards of journalism and the competencies of journalists. Regulatory bodies can control the content, opinion, and commercial interests, that is, what is seen and heard, to protect viewers and the people. The research recommended that Ethiopian state-owned media reform into editorially independent public service broadcasters responsible for serving the public.

The government and its institutions should consider the media as an opportunity to convey messages and information to the people and for the people to better know and benefit from public services. The media must trust that the national and regional governmental structures ensure the constitutional promises of freedom of expression without interference and unlimited and uncensored freedom.

9. Culture, Tourism and Mass Media Affairs Standing Committee
10. Environmental Protection Authority
11. Ethics Anti-corruption Commission
12. Ethiopia Broadcast Corporation(EBC)
13. Ethiopian Board of Election
14. Ethiopian Broadcast Agency/Authority (EBA)/ Ethiopian Media Authority
15. Ethiopian Drug Administration and Control Authority
16. Ethiopian Intellectual and Copyright Agency
17. Ethiopian Revenue and Customs Authority

18. Ethiopian Telecommunications and Communication Ministry
19. Executive organs
20. Federal police
21. Federal Police Commission
22. Finance Security Information Centre
23. Former Ministry of Information
24. Former Ministry of Information, Press and Audio-visual Licensing Departments (2005)
25. Former Office of Government Communication Affairs (OGCA)/Bureau
26. High-ranking officials of the regulatory bodies and media institutions
27. House of the People's Representatives
28. Information Network Security Authority (INSA)
29. Investment Commission
30. License regulators
31. Media Committee of the party forum
32. Ministry of Civil Service
33. Ministry of Communication and Information Technology
34. Ministry of Education
35. Ministry of Finance
36. Ministry of Trade in the Federal government or bureau in the regions
37. Ministry of Women, Children and Youth Affairs
38. National Bank
39. National Information Security Service
40. National Security Department of the Prime Minister
41. Policy and Performance Management Units
42. Press Councils/Media Council?
43. Prime Minister
44. Prime Minister of Press Secretaries
45. Prime Minister's Agenda Setting Office
46. Prime Minister's Media Reform Board
47. Prosecutor
48. Public relation departments
49. Quality Assurance and Standards Agency and Trade Commercial
50. Regional and City Administration of Government Communication Affairs
51. Republican Guard of the Prime Minister
52. Revenue authority
53. Special Task Force on Counter-Terrorism
54. State of Emergency Media Stream committee.
55. The Charities and Societies Agency (CSA)
56. The Ethiopian News Agency
57. The Federal Ethics and Anti-Corruption Commission
58. The House of Federation
59. The Human Rights Commission
60. The Institution of the Ombudsman

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